

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on this, the 4th day of October, 2005 with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313.

Marianne Crimaldi  
Marianne Crimaldi

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07 OCT 2005

Customer Number

24024

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Richard Walmsley	)	
		)	Examiner: Christine S. Washington
		)	
Serial No.:	10/519,182	)	Art Unit: Not yet assigned
		)	
Filed:	December 21, 2004	)	Confirmation No.: 2405
		)	
For:	MULTI SPOT OPTICS	)	Attorney Docket No.: 30276/04003
	IN MEDICAL APPLICATIONS	)	
		)	

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RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Dear Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated September 7, 2005, Applicants respectfully submit a fully executed Declaration and Power of Attorney. A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 received from the Patent Office is also enclosed.

A check in the amount of \$65.00 is enclosed to cover the surcharge for Missing Parts. If additional fees are required please charge them to our Deposit Account No. 03-0172. Please credit any overpayment to same Deposit Account.

10/11/2005 MKAYPAGH 00000089 10519182

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Respectfully submitted,

Date: October 4, 2005

Brian E. Kondas  
Brian E. Kondas, Reg. No. 40,685  
216/622-8308

10 Rec'd PCT/PTO 06 OCT 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.

10/519,182

FIRST NAMED APPLICANT

Richard Walmsley

ATTY. DOCKET NO.

30276/04003

INTERNATIONAL APPLICATION NO.

PCT/AU03/00790

I.A. FILING DATE

06/25/2003

PRIORITY DATE

06/25/2002

24024

CALFEE HALTER & GRISWOLD, LLP  
 800 SUPERIOR AVENUE  
 SUITE 1400  
 CLEVELAND, OH 44114

CONFIRMATION NO. 2405

371 FORMALITIES LETTER

\*OC000000016943376\*

\*OC000000016943376\*

Date Mailed: 09/07/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

	Case Number	Ctry	Sub Case	Action Due	Due Date
• Indication of Small Entity Status	2004				
• Copy of the International Application filed on 12/21/2004	2004				
• Copy of the International Search Report filed on 12/21/2004	2004	US		Response Due	07-Nov-2005
• Preliminary Amendments filed on 12/21/2004				1st Extension	07-Dec-2005
• Information Disclosure Statements filed on 03/07/2005				2nd Extension	07-Jan-2006
• Small Entity Statement filed on 12/21/2004				3rd Extension	07-Feb-2006
• Copy of references cited in ISR filed on 12/21/2004				4th Extension	07-Mar-2006
• U.S. Basic National Fees filed on 12/21/2004				Final Deadline	07-Apr-2006
• Priority Documents filed on 12/21/2004					

Verified

BEK

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

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DBC IP. DEPT.D.C. IP. Dept.

BEK

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHRISTINE S WASHINGTON

Telephone: (703) 308-9140 EXT 228

PART 1 - ATTORNEY/APPLICANT COPY

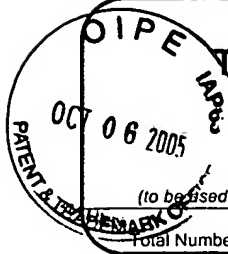
U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/519,182	PCT/AU03/00790	30276/04003

JC03 R PCT/PTO 06 OCT 2005

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be filed for all correspondence after initial filing)

Total Number of Pages in This Submission

6

Application Number	10/519,182
Filing Date	December 21, 2004
First Named Inventor	Richard Walmsley
Art Unit	Not yet assigned
Examiner Name	Christine S. Washington
Attorney Docket Number	30276.04003

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Return Receipt Postcard - Check for \$65.00 SEE REMARKS
Remarks - Response to Notification of Missing Requirements Under 35 U.S.C. 371 (1 pg) - Declaration & Power of Attorney (2 pgs) - Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated 09/07/2005 (2 pgs)		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	24024		
Signature	<i>Brian E. Kondus</i>		
Printed name	Brian E. Kondus		
Date	October 4, 2005	Reg. No.	40,685

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Marianne C. Crimaldi</i>		
Typed or printed name	Marianne C. Crimaldi	Date	October 4, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.